

Court of Common Pleas of Philadelphia County
Trial Division**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

AUGUST 2023**02339**

E-Filing Number: 2308046968

PLAINTIFF'S NAME SHIANNE JOHNSON		DEFENDANT'S NAME RED LOBSTER RESTAURANTS, LLC	
PLAINTIFF'S ADDRESS 1612 SOUTH NAPA STREET P.O. BOX 3927 PHILADELPHIA PA 19146		DEFENDANT'S ADDRESS 3411 SILVERSIDE ROAD WILMINGTON DE 19810	
PLAINTIFF'S NAME		DEFENDANT'S NAME RED LOBSTER	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 4300 JOANSTOWN ROAD HARRISBURG PA 17109	
PLAINTIFF'S NAME		DEFENDANT'S NAME ANDYHARRIS, LLC	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 222 GRAND AVENUE ENGLEWOOD NJ 07631	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 3	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input checked="" type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:		
CASE TYPE AND CODE 2S - PREMISES LIABILITY, SLIP/FALL			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		FILED PRO PROTHY AUG 22 2023 C. SMITH	
		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>SHIANNE JOHNSON</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY JOEL J. KOFSKY		ADDRESS 1500 JFK BOULEVARD 2 PENN CENTER SUITE 550 PHILADELPHIA PA 19102	
PHONE NUMBER (215) 735-4800	FAX NUMBER (215) 735-7919		
SUPREME COURT IDENTIFICATION NO. 61114		E-MAIL ADDRESS litigation@phillyinjurylawyer.com	
SIGNATURE OF FILING ATTORNEY OR PARTY JOEL KOFSKY		DATE SUBMITTED Tuesday, August 22, 2023, 01:47 pm	

FINAL COPY (Approved by the Prothonotary Clerk)

THE LAW OFFICES OF JOEL J. KOFSKY
JOEL J. KOFSKY, ESQUIRE
ATTORNEY I.D. #61114
1500 JFK BOULEVARD
2 PENN CENTER, #550
PHILADELPHIA, PA 19102
(215)735-4800

MAJOR NON-JURY

Filed and Attested by the
Office of Judicial Records
22 AUG 2023 01:47 pm
C. SMITH

ATTORNEY FOR PLAINTIFF

SHIANNE JOHNSON
1612 South Napa Street
P.O. Box 3927
Philadelphia, PA 19146

Plaintiff

v.

RED LOBSTER RESTAURANTS, LLC

3411 Silverside Road
Wilmington, DE

and

RED LOBSTER

4300 Joanstown Road
Harrisburg, PA 17109

and

ANDYHARRIS, LLC

222 Grand Avenue
Englewood, NJ 07631

Defendants

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

AUGUST TERM, 2023
NO. _____

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint & Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA COUNTY BAR ASSOCIATION
Lawyer Referral & Information Service
1101 Market Streets, Philadelphia, Pennsylvania 19107
(215) 238-6333

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias deplazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de s persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder u otros derechos importantes para usted.

LLEVE ESTAS DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVAERIGUAR DONDE SE PAEDE CONSEGUIR ASISTENCIA LEGAL

ASOCIACION DE LICENCIADOS DE FILADELFIA
Servico De Referencia E Informacion Legal
1101 Market Streets, Filadelfia, Pennsylvania 19107
(215) 238-6333

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(215)735-4800

ATTORNEY FOR PLAINTIFF

SHIANNE JOHNSON
1612 South Napa Street
P.O. Box 3927
Philadelphia, PA 19146

Plaintiff

v.

RED LOBSTER RESTAURANTS, LLC
3411 Silverside Road
Wilmington, DE
and
RED LOBSTER
4300 Joanstown Road
Harrisburg, PA 17109
and
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222 Grand Avenue
Englewood, NJ 07631

Defendants

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

AUGUST TERM, 2023
NO. _____

CIVIL ACTION COMPLAINT
NEGLIGENCE – 2S – PREMISES LIABILITY

1. Plaintiff, Shianne Johnson, is an adult individual, residing at the above-captioned address.
2. Defendant, Red Lobster Restaurants, LLC, is a business entity that operates and does business under the laws of the Commonwealth of Pennsylvania and maintains as its principal place of business the above-captioned address.
3. Defendant, Red Lobster, is a business entity that operates and does business under the laws of the Commonwealth of Pennsylvania and maintains as its principal place of business the above-captioned address.

4. Defendant, AndyHarris, LLC, is a business entity that operates and does business under the laws of the Commonwealth of Pennsylvania and maintains as its principal place of business the above-captioned address.

5. Jurisdiction and Venue are proper in the Court of Common Pleas of Philadelphia County, in that the Defendants regularly conduct business within Philadelphia County.

6. Defendants are responsible for the education, hiring, training, and supervision of their employees who were working at the Red Lobster located at 4300 Joantown Road, Harrisburg, PA 17109.

7. On and before October 1, 2021, Defendants, jointly and/or severally, owned, leased, possessed, operated, inspected, maintained, repaired, and/or controlled and/or had the right to control the parking lot of the Red Lobster located at 4300 Joantown Road, Harrisburg, PA 17109.

8. At all times material hereto, Defendants had the duty to keep the premises and/or parking lot of the Red Lobster located at 4300 Joantown Road, Harrisburg, PA 17109 in a safe condition.

9. On or about October 1, 2021, Plaintiff, Shianne Johnson, was a business invitee of the Defendants at the Red Lobster located at 4300 Joantown Road, Harrisburg, PA 17109, when she was caused to lose her balance, trip, stumble, and fall, thereby sustaining serious and permanent injuries more fully set forth herein, due to the presence of an incline and/or uneven pavement located in the parking lot and/or sidewalk area of Red Lobster. A photograph of the uneven pavement is attached hereto as **Exhibit A**.

10. The existence of the incline and/or uneven pavement located in the parking lot and/driveway of the Red Lobster located at 4300 Joantown Road, Harrisburg, PA 17109

Philadelphia had existed in that state for a sufficient time such that Defendants' agents and/or employees knew or should have known of their existence and had time to remedy same.

11. At all times relevant hereto, Defendants knew or should have known that the incline and/or uneven pavement on the premises posed a serious risk of harm to persons and business invitees such as Plaintiff.

12. At all times relevant hereto, Plaintiff, relied upon the fact that Defendants would maintain the property in a safe manner, and Defendants' failure to maintain the property as aforesaid increased the risk of harm to the Plaintiff.

13. At all times material hereto, Defendants acted by and through their agents (actual, apparent or ostensible), servants, workmen, employees and/or officers, all of whom were then and there acting within the course and scope of their duties, agency, employment or authority for Defendants.

14. This accident was caused solely from the negligence and carelessness of Defendants and was in no manner whatsoever due to any act of negligence on the part of Plaintiff.

COUNT I – NEGLIGENCE
SHIANNE JOHNSON v. ALL DEFENDANTS

15. Plaintiff, Shianne Johnson, hereby incorporates the preceding paragraphs as if same were set forth at length herein.

16. The aforesaid accident was caused by the negligence and carelessness of Defendants, acting as aforesaid, which negligence and carelessness consisted, inter alia, of the following:

- (a) failing to eliminate the incline or unevenness in the parking lot

- and/or walkway (herein “defective condition”) as described above;
- (b) failing to properly, completely and thoroughly inspect the property;
- (c) failing to promptly and carefully post warning signs and/or post notices to warn individuals of the defective condition;
- (d) allowing the said hazardous and dangerous condition to exist once created;
- (e) failing to make timely and proper maintenance upon said premises;
- (f) failing to inspect and failing to establish a policy of inspection;
- (g) failing to clean, repair and/or remove the defective condition;
- (h) failing to hire a janitor and/or maintenance person to remove the defective condition;
- (i) otherwise acting in a manner that was negligent and careless at law and in fact all of which a reasonable person would have known or in the exercise of reasonable care should have known caused an unreasonable risk of harm to the public and more particularly to the Plaintiff herein;
- (j) violating applicable ordinances and property maintenance codes for the City of Philadelphia, County of Philadelphia and the Commonwealth of Pennsylvania as well as such other statutes and case law governing the maintenance of property;
- (k) failing to have their employees fix the defective condition;
- (l) failing to protect the safety of business invitees, such as Plaintiff, as it relates to the above-referenced acts of negligence;
- (m) failing to properly and/or adequately choose, train, direct, monitor, and/or supervise its agents, servants, workmen, and/or employees with regard to the inspection and cleanliness of the premises;
- (n) such other acts of negligence and carelessness as may be adduced through discovery or at trial.

17. As the direct and proximate result of Defendants’ negligence, Plaintiff sustained serious, severe, and debilitating injuries, including, injuries to the neck, back, shoulders, chest, body, head, knees, and extremities; and other injuries which may be known, other injuries which may be unknown and others which may develop, some or all of which may be permanent in nature.

18. As a further result of the said accident, Plaintiff has suffered severe pain, mental anguish, humiliation, and embarrassment, and will continue to suffer same for an indefinite period of time in the future.

19. As a further result of the said accident, Plaintiff has and will probably in the future, be obliged to receive and undergo medical attention, which was or will be reasonable and necessary and will arise from the aforesaid accident and will otherwise incur various expenditures for the injuries suffered.

20. As a further result of the said accident, Plaintiff has incurred medical expenses that were reasonable, necessary, and causally related to the aforesaid accident as a result of the injuries he sustained in this accident.

21. As a further result of the said accident, Plaintiff has been unable to attend to daily chores, duties, and occupations, and will be unable to do so for an indefinite time in the future, all to Plaintiff's great financial detriment and loss.

22. As a further result of the said accident, Plaintiff has and will suffer severe loss of earnings and/or impairment of earning capacity.

WHEREFORE, Plaintiff, Shianne Johnson, demands judgment in her favor and against all of the Defendants, individually and/or jointly, for compensatory damages in excess of fifty-thousand dollars (\$50,000.00) together with interest and costs of suit.

THE LAW OFFICES OF JOEL J. KOFSKY

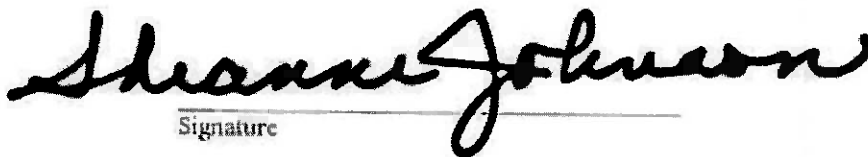
BY: /s/
JOEL J. KOFSKY, ESQUIRE
Attorney for Plaintiff

Dated: 08/18/23

VERIFICATION

I, Shianne Johnson, am the Plaintiff in this action and hereby verify that the statements made in the foregoing pleading are true and correct to the best of my knowledge, information, and belief.

I understand that the statements in said pleading are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.


Signature

DATE: 08/18/23

EXHIBIT “A”

